Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 1 of 81 STOCK TF* No. 713-755-6228 Jun 15:92 14:04 No. CHECK

Jun 15.92 14:04 No.011 P.03

HALAIS COUNTY SHERIFF'S DEPARTMENT SUPPLEMENT REPORT

CASE NUMBER 73-06/25/646

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HALAIS COUNTY SHERIFF'S DEPARTMENT SUPPLEMENT REPORT

CASE TURBER 92-06/2064/

APPROACHED THE AFT. WE OBSERVED THREE ROLLET HOLES ABOUT
HEAD LEVEL TI A BEDICON WINDOW ANTACONT TO THE PRONT
DOOR, I ALSO OBSERVED A BULLET HOLE IN THE FRONT DOOR APPROX
AT EYE LEVEL
REALIETAKE THE DISTINT MOSIFILITY THAT THESE WOULDED
OR DEAD TAY THE AFT, I KNOCKED ON THE FRONT DOOR. AND
PUSHED. THE MOOR WATCH WAS NOT LOCKED, OPENEY, I YELLED
SLEETES AND ENTERED, ALDIX WITH DEHITIES WILLTSEY AND
SNITH AS OUR EYES AITTUSTED TO THE LIGHT NIFERENCE,
WE HEAR! A VOICE SAY ! I'M IN HURE, DON'T SNOOT! THE
LOICE CALLE FROM A BIM, NINO INENTIFIED HIMSELF AS LAOYLE
NINDANHALL WIND GETTING OUT OF A BED IN THE WASTER
RETRICH I TERECTED LIGHTO A COUCH IN THE LIVENGROOM,
A SEICULE PLACE. ALSO IN THE BED, ON THE FAR SIDE, WAS A WIF
ITENTUTUED BY HER TOLKS STACKY LYSACK 2/26/77. AFTER
SECURING HER AND CLEARING THE APT. FOR OUR SAFETY, PHUTZES
WHITSEY AND SLITH BEGAN TALKENG WITH OCCUPANTS, AS THES
WAS TAKING PLACE I ANTICED TWO PISTOLS ON THE LASTER
BETIKETH FLOOR MITHIN ARMS KEACH OF WHERE THE BIM NAN
REGULARNG ON THE BED.
GENTLY RECOVERAGE THE STOLE I FOUND THAT ONE STITOL WAS
A SIX INC. I BLUE STEEL S/W . 44 MAGNIM MODEL Z7, 54 NB93047
THE SECONO PISTOL A TWO IDEN BLUE STEEL SIN, 398 SPECIAL
1: Chal 36 5#3505Z MAS COMEN WITH SIX LINE HOULING, THE .44 MING.
AND STEEL DUE DECLET OF AS AND THE SERVER THE SERVER
MCC LITTH OUR MISH. I RAS ADVISED THAT THE . 38 WAS NOT
UNITED STOLEN HOWEVER THE .44 MAG, WAS REPURTED STOLEN
WEATER, THAT HAN NEVER BEEK! KECOVER, I THEN SECURE DOTH
CULS IN MY PATROL CAR.
AS THE WAS TAKEN PLACE, SGT. J. RANILLN, UKUST RAKLINEN,
AND STATING A VOLUNTARY CONSONT TO SHARCH FROM MR.
NIN SENTANCE VIEW RETURNITURE TO THE ATT. MR. MIDNIN NICL STATED
THAT AT AMPROX 100 AND 6/12/92 FRI. TWO UNGRIOUR BIRMS.
WEARING SKI MASKS, HAD PUSHED THEIL AND IN BOHING HIS
C-IRLARIENT STACEY LYSACK, AND POINTED CHIKNOWN TYPES OF
GOULS AT THEM, ACCORDING TO NIK HILL DILLHALL THE TWO LUKE COOK
REPORTING DEPUTY UNIT BADGE SS DATE OF REPORT

Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 3 of 81 STOCK TF: No.713-755-6228 J- 15.92 14:04 No.011 P.05

ELLIS COUNTY SEERIFF'S DEPARTMENT SUPPLEMENT REPORT

CASI TOREN 92-06/20646

BIM'S DEMANDED MONEY, MR. MINDINHALL STATED THAT HE WAS
ABLE TO GET TO THE MASTER BR, AND RETREIVE THE . 44 MAGNUM.
ANN FIRE FOUR SHOTS, FROM THE BERROOM, AT THE TWO SUSPECTS.
HE THEN ACITISED THAT BOTH SUSPECTS THEN PLED.
AS MR. MINDINHALL WAS RELATING THE STORY TO ME A
BUTCH SEARCH OF THE APT. WAS TAKING FLACE. THE SEAGEN
HEVERLUM A CASHBOX IN A HALLWAY CLOSET THAT WHERE
OMENUD CONTAINED A NEAVY WHITE HOWERY KESIDUE, SET.
RANKIN USING A "C-MAK" TEST KIT OBTAINED A POSITIVE
KESULT FOR COCADUE LUE ALSO FOUND A LOCKES CLOSET DOOR
ADJACHNIT TO THE BATHROOM. THE DOOR HAG NO KNOW, COULY & KEY
Lork.
FORCENG THE DOOR OFFEN. WE FOUND A SAFE MADE BY STAR
MOREL & UNIX SEJISSIETT STANDING AGAINST A WALL, THE SAFE,
APPROX. FOUR FT. TALL AND AFFROX THERTY INCHOS WILDE, WAS
THE ONLY ITEM IN THE CLOSET, NO CLOTHING OR HERSOLAL ITEMS.
REALIZING THAT THE INVESTIGATION WAS TALKING NIGGERENT
TURN, WE STOPPED OUR SEARCH, AND ALUATION THE ARRIVAL OF
THE NARCOTICS DOGS. AT THIS POINT, DOPUTY SMITH TRANSPORTED
BUTH SUBJECTS TO STAID, FOR FULTHAR INVESTIGATION.
WHILE AWAITING THE ARRIVAL OF THE DOG UNITY I CHECKED
THE MARKING AREA NORTH OF THE APT. FOR ANY PHYSICAL
ENDYONKE THERE, I FOUND A LARGE CALIBER SLUG, DEFORMED
ANTICE . ONE HOWIRED FEET FROM THU AFT. DUE TO THE LANGE
LULIBER CIE BYSTANDERS BY THIS TIME I LECANORED THE SHOP.T
SLUK. AS I WAS LOOKING FOR MOUS I WAS APPROACHED, BY
A WIF WHO IDENTIFIED, HERSEUF AS MENIA KITTS G/ZY/14. 250
MALIE #94 PAUSS-2942 AND A BIF, NIW INDNITTELEN HEILDELF AS
KALICIDA CONNER, 11/7/64 250 1/1AU) # 490, NO ALYONE, THEY BETH
STATED THAT THE BIM FROM APTHOS, OID INDEED LIVE THERE
AND WAS TROUBLE TO THEY AS "QUED". THEY ALSO ADVISE HE
THAT A SUCCON'N BYN KNOWN TO THEM AS "DEREK", ALSO (IVE)
THERE THE BIM, "GITTE" KETTERLIED HESCLOTHES FROM THE SECOND BETROOM.
AT APPREY, 1015 AN OFFICE G. DOYLE, 14/11) ARRIVED CAN THE
SCENE MITH HIS hop. OBSERVING THE MOS WORK, THE MOS
KEACTIM, VIOLENTLY / HOSITIVE) TO BOTH THE CASHBOXIN THE
HAILLUIAY ALI THE LOCKED SAFE IN THE CLOSET, A SHORT EPORTING DEPUTY UNIT BADGE SS DATE OF REPORT
REPORTING DEPUTY UNIT BADGE SS DATE OF REPORT

Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 4 of 81

CHECK STOCK TEL No.715-755-5228 Tol.15,92 14:04 No.011 P.06

HALAIS COUNTY SHEALY?'S DEPARTMENT SUPPLEMENT REPORT

CASE TOPER 92-06/20646

TIME LATOR OFFICER N. CHALING, ALSO WITH HAD, ARRIVED WITH HIS DOG, HES MIS ALSO ALERTED / POSETZYE TO BOTH THE CASHBOX AND THE SAFE. DEFINITY SMITH, AT STA 3 MITH BOTH SUBTECTS, OBTAINED A VOLUNTARY CONSENT TO SEARCH FOR THE SAFE IN THE CLOSET. FROM MIL NILVERTURALL. WE THEN WERE ABLE TO REMOVE THE SAFE WHITH WAS EXTREMELY HEAVY FROM THE CLOSET TO THE TO THE PATIO REPAIL ORDER TO CHEN IT. AS WE WORKED TO OHEN THE SAFE, WE TOOK A SHORT BREAK TO REST. WHILE WE STUPPED MONEY TARILY I OBSERVED A LATE MODEL MAROON U-DR NISSAN MRKED IN FLONT OF THE APT. OCCUPIED BY ONE BIM! BOTH PETTS AND CONNER BOGAN YELLING "THAT'S NIM THAT'S OFFICER CHALING AND I THEN APPROACHED THE BILL AND ASKED FOR NES TOIL. HE ADVISON ME THAT HE DID NOT HAVE A B.L. WITH NEW, AT THES POINT OFFICER CHALINE AND I SECURED HIM NEUDING FIRTHER INVESTIGATION. AT APPROX. 1/10 AM SGT! RANKIN OFFICERS DOYLE CHALING AND I, SUICEBOOD IN DHENING THE SAPE, ANT FOUND A LARGE AMOUNT OF AMORDIAN CURRENCY. SGT RANKEN THEN NOTIFIED LT. GRIFFIN, HARRES CO. NARCOTICS AND ADVICED HIM OF THE SITUATION. A SHORT TIME LATER, DET. IT PRUITT RAID A DANIELS ARRENEY ON THE SCENE. DET, PRUITT AND I TRANSPORTED THE CASH TO THE OCU OFFICE WHERE IT WAS THEN TAKEN BY DET MOUTT AND DA INVESTIGATOR JOE VARA TO AMERICAN BANK TO BE COUNTED DEPOTY WHITSEY TRANSPORTED THE SECOND THIS DEABLE THOURS TO STAID WHERE THEY WERE LATER INTERITERIED BY NARCOTICS DATS. THE TWO AUTOUS WERE RECERSE TO NOMICINE DET. TAMARY UK310U AT APPROX. 3/12, FUT 6/12/12. I.D. UNITATION PLOCESSED THE SCANE. SECT. D. CUMPLEATENT, BY DEPUTY A. SHIEUS THE LOCKING CASH BOX WAS KELESSET TO LT. N. GREFTON AND WILL BE SUBLITTED TO MID IS DIFFELD FULL FULLHOL KNALVIZI. A GREEN ZIP-UP BAG WHICH NAD CONTRINED CULTERLY INSINE THE SARE WAS SUBMITTED TO THE MERKETY KOULS FOR STORAGE SUPPLECTS ROLLASED TO OCU DETECTORES. THE RICKE-CRISTIE THE FROM THE ANSWERING MICHILIAN WAS ALIO FLACOS IN THE I ROME TO KODY FOR SAFEKSEPINK. REPORTING DEPUTY עאנד ז BADGE ISS DATE OF REPORT

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DETAIL REPORT FOR HARRIS COUNTY LAW ENFORCEMENT

CASE NO: 9206120646

Date: 03/22/11 Time: 16:42

Page: 1

Type of Offense: SHOOTING INVESTIGA CAD NATURE CODE

Dispatch Location Grid Beat District Comm Ali 250 UVALDE RD 457W 3A1 33

Reported Location Ali Grid Beat District Comm

250 UVALDE RD 457W 3A1 DЗ

At/Between Date/Time Date/Time BETWEEN 06/12/92 08:49 06/12/92 17:00

Premises Involved: Method of Entry : Point of Entry : Point of Exit Inst/Tool Used Weather Condition: :

Cause of Fire : Latent Prints: Scene Photos:

Persons Involved Information: Ty/No Name/Address Rel to Offender AGE RACE SEX HISP

R01 REFUSED OAKS OF WOOD FOREST

713-691-9452

Date of Birth : Social Security No :

Drivers License : State :

Condition: Taken To: Transported by :

Employment :

Phone : ext :

Officers Involved: TDISP TENRT TARRD TCLRD DIS CBY P Name P WORLEY, GARY 08:49 08:49 08:55 18:00 REP DMA

14:41 14:41 15:28 15:51 CBU DMA 09:01 09:01 10:20 12:11 CBU DMA 08:59 08:59 09:01 13:41 CBU DMA 08:58 08:58 08:58 18:00 CBU DMA B SCHIELD, R L

B MERCHANT, ROBT B RANKIN, JAMES

B SMITH, MARK B

08:50 08:50 08:55 18:00 CBU DMA B WHITSEY, C M

Status / Disposition Report Status: DRA UCR Clearance: OPN Date Name

06/12/92 Initial Entry SCHIELD, R L

Related Cases

DETAIL REPORT FOR HARRIS COUNTY LAW ENFORCEMENT

CASE NO: 9206120645

Date: 03/22/11 Time: 16:42 Page: 2

Value/ roperty Involved: NIC Number Serial Number Loss er/No Item St Brand Type

NO PROPERTY FOR THIS CASE

Jehicle Involved: Per/No Status Make Model Lit VCO LIC LIS Value/ Loss

Synopsis of Offense:

Suspects Involved:

Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 10 of 81 CASE NO: 9206120646

LAW ENFORCEMENT

Date: 03/22/11 Time: 16:42 Page:

Supplement number:

ENTERED BY: SCHIELD, R L Date: 06/12/92 Time: 18:18 Date: 06/15/92 Time: 09:08 Approved by: MORGAN, DAVID

ON FRIDAY, 6/12/92 AT 235PM WHILE IN THE IDENTIFICATION DIVISION, I, DEPUTY t. L. SCHIELD, UNIT 7108, WAS INSTRUCTED BY LT. MORGAN TO PROCEED TO THE ABOVE ADDRESS IN REFERENCE TO A SHOOTING INCIDENT/MONEY RECOVERY. I WENT EN-ROUTE AND ARRIVED AT 305PM WHERE I MET WITH DEPUTY WHITSEY, UNIT 4554.

SCENE DESCRIPTION

THE SCENE WAS IN THE OAKS OF WOODFOREST APARTMENTS. THE ACTUAL SCENE WAS IN APT. 95. THIS IS A LOWER LEVEL UNIT ON THE SOUTHWEST SIDE OF THE COMPLEX. THE JNIT HAS MAIN ENTRY THROUGH A FRONT DOOR WHICH OPENS TO THE WEST. THERE IS ALSO A GLASS SLIDING DOOR WHICH OPENS TO THE NORTH. I ENTERED THROUGH THE SLASS DOOR AND TURNED TO THE RIGHT AND WAS IN THE LIVING ROOM. IN THE FRONT XOOR TO THE APT. WAS A THROUGH AND THROUGH GUNSHOT. THE LIVING ROOM HAS A VINDOW THAT FACES TO THE NORTH, AND THERE IS A BULLET HOLE THROUGH THE BLINDS AND THROUGH THE WINDOW PANE. I THEN WENT TO THE BEDROOM LOCATED ON THE WEST SIDE OF THE APT AND IN THE DOOR WAS ANOTHER THROUGH AND THROUGH BULLET HOLE [WENT INTO THE BEDROOM AND THERE ARE SOME WINDOWS ON THE NORTH SIDE OF THE ROOM AND THERE ARE THREE BULLET HOLES IN THE GLASS. ON THE BED IN THE ROOM WAS A PARTIAL BOX OF W/W .38 SPECIAL AMMUNITION. I WENT DOWN A HALLWAY LEADING FROM THE BEDRROM TO ANOTHER BEDROOM AND IN THE BATHROOM AREA A PLYWOOD COVER OVER THE BATHTUB HAD BEEN PULLED DOWN, EXPOSING THE AIR CONDITIONING SYSTEM. AT THE EAST END OF THE HALLWAY WAS A CLOSET THAT HAD HAD THE DOOR FORCED OPEN, AS THE WOOD TRIM AROUND THE INSIDE OF THE DOOR WAS BROKEN. THE DOOR WAS INSIDE THE CLOSET.

OUTSIDE THE APT. IN THE PARKING LOT WAS A BLACK 240SZ DATSUN WITH A FLAT FIRE, BEARING TEXAS DCK 59R. THERE WAS ALSO A MAROON NISSAN MAXIMA, BEARING TEXAS CWH 70G IN THE PARKING LOT. LOADED ONTO THE BACK OF DISSPAYNE WRECKER, WAS A TAN COLORED SAFE THAT HAD THE DOOR FORCED OPEN.

- I TOOK SEVERAL COLOR PHOTOGRAPHS OF THE SCENE AND ALSO MADE A VIDEO TAPE OF THE APT, SHOWING THE VEHICLES ALSO. THE VEHICLES WERE TAKEN TO STATION 3 INDER COVEREED STORAGE AND SOME MORE PHOTOS WERE TAKEN.
- I ALSO TOOK SOME COLOR PHOTOS OF THE ONE FEMALE AND TWO MALES THAT HAD BEEN PLACED INTO CUSTODY IN RELATION TO THIS INCIDENT. DEPUTY K. LACY, FEMALE IAILER WAS PRESENT WHEN PHOTOS WERE TAKEN OF THE FEMALE.

NO EVIDENCE WAS COLLECTED BY ME AT THE SCENE. THE SCENE PHOTOS AND VIDEO] WILL BE STORED IN THE I.D. SECTION UNDER THE ABOVE INCIDENT NUMBER.

Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 11 of 81
DETAIL REPORT FOR HARRIS COUNTY CASE NO: 9206120646
LAW ENFORCEMENT Date: 03/22/11 Time: 16:42

Page: 4

Supplement number:

ENTERED BY: SCHIELD, R L Approved by: MORGAN, DAVID Date: 06/12/92 Time: 18:13 Date: 06/15/92 Time: 09:08

DATE AND TIME OF THIS REPORT 6/12/92 @ 7:14PM

DETAIL REPORT FOR HARRIS COUNTY
LAW ENFORCEMENT

Date: 03/22/11 Time: 16:42
Page: 5

upplement number: 2
ENTERED BY: SCHIELD,R L
Date: 06/25/92 Time: 15:09
Approved by: SKILLERN BILL
Date: 06/25/92 Time: 21:16

Approved by: SKILLERN, BILL Date: 06/25/92 Time: 21:16

ON 6/25/92 AT 0930HRS, I, DEPUTY R. L. SCHIELD, UNIT 7108 WENT TO DISSPAYNE RECKER AT 2000 HWY 90 AND PROCESSED FOR LATENT PRINTS THE SAFE THAT HAD BEEN ECOVERED IN THE ABOVE CASE. NO PRINTS WERE DEVELOPED FROM THE INSIDE OF THE LAFE AS REQUESTED.

DETECTIVES WILL DISPOSE OF THE SAFE

DETAIL REPORT FOR HARRIS COUNTY LAW ENFORCEMENT

CASE NO: 9206120646

Date: 03/22/11 Time: 16:42 Page: 6

Supplement number: 3

ENTERED BY: CURRY, DONNA

Date: 05/04/00 Time: 10:05

Approved by:

Date:

Time:

ON 042800 A FAX OF THIS REPORT WAS SENT TO SGT. BILLINGSLEY OF HCSO, DUE TO HIS REQUEST FOR AN ONGOING INVESTIGATION. THE REPORT WAS FAXED TO 713 672-8588. HIS PHONE NUMBER IS 713 672-8835.

	905/11 Page 14 of 81
IN THE DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO. OF	HARRIS COUNTY, TEXAS
1, PAIN KNORLOCIT Court Reporter for the 209 bistriet Co	urt/County Criminal Court
at Law No, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the follows the Exhibits, INCLUDING SERIAL AND/OR MODEL NUMBER)	awing exhibits in the above styled and numbered cause
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1, RAY HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above l	isted exhibits ONLY as tendered and described above
with no responsibility as to the weights or veracity of contents in the above styled and numbered cause. DATE:	
11/1/15	strict Clark, Harris County, Texas
TIME: By	Deputy
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CAUSE NO. 599218 DEFENDANT'S NAME EUGLAD BA	0×10
IN THE 2094 DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NOOF	
	IARRIS COUNTY, TEXAS
1, PAIN KN DRLOCH Court Reporter for the 0716 District Cou	rt/County Criminal Court
at Law No, do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the follows	rt/County Criminal Court
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CAUSE NO.	599218 DEER	NDANT'S NAME	3 9 W/M	INO BIO	Xtoni		
IN THE		LCOUNTY CRIMINA	L COURT AT LAW	NOOF HAP	RRIS COUNTY, TEXAS		
ii	PAM KNORLUCK	Court R	eporter for the	19 District Court/	County Criminal Court		
at Law No	, do hereby tender fo	r filing to Ray Hardy, [District Clerk, Harris	County, the following	ng exhibits in the above st	yled and numbered	i cause:
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with no resp	onsibility, as to the weights or verac	ity of contents in the a	bove styled and nur	nbered cause.	# //		
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	Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 16 of 81
CAUSE NO	599218 DEFENDANT'S NAME EUGENC Brexton
IN THE	209 b DISTRICT COURT / COUNTY CRIMINAL COURS AT LAW NO. OF HARRIS COUNTY, TEXAS
i	Court Reporter for the District Court/County Criminal Court
at Law No.	, do hereby tender for filing to Bay Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause
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I, RA	Y HARDY, District Clerk, Harris County, Texas, do hereby acknowledge receipt of the above listed exhibits ONLY as tendered and described above
with no resp	ponsibility as to the weights or veracity of contents in the above styled and numbered cause.
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CAUSE NÓ.	599218 DEFENDANT'S NAME FLATURE Brox ton
CAUSE NO.	DISTRICT COURT, COUNTY CRIMINAL COURT AT LAW NO OF HARRIS COUNTY, TEXAS
IN THE	DISTRICT COURT, COUNTY CRIMINAL COURT AT LAW NOOF HARRIS COUNTY, TEXAS
IN THE	DAM UND BLOCH COUNTY CRIMINAL COURT AT LAW NOOF HARRIS COUNTY, TEXAS DAM UND BLOCH Court Reporter for the 20 Hoistrict Court/County Criminal Court
IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NOOF HARRIS COUNTY, TEXAS DAYN VID BLOCH Court Reporter for the 2D Hoistrict Court/County Criminal Court , do hereby tender for filling to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause
IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NOOF HARRIS COUNTY, TEXAS DAYN VID BLOCH Court Reporter for the 2D Holetrict Court/County Criminal Court , do hereby tender for filling to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER)
IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NOOF HARRIS COUNTY, TEXAS DAYN VID BLOCH Court Reporter for the 2D Elbistrict Court/County Criminal Court , do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER) STATE'S EXHIBITS MATA
IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NOOF HARRIS COUNTY, TEXAS DAYN VID BLOCH Court Reporter for the 2D Hoistrict Court/County Criminal Court , do hereby tender for filling to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER) STATE'S EXHIBITS NOTA LICENSIE LICENS
IN THE	DAM VID BLOCK COUNTY CRIMINAL COURT AT LAW NO. OF HARRIS COUNTY, TEXAS DAM VID BLOCK Court Reporter for the 2D Electrical Court/County Criminal Court , do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER) STATE'S EXHIBITS Note Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical Court/County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County County Criminal Court Court Reporter for the 2D Electrical County
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IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO OF HARRIS COUNTY, TEXAS DAM VID BLOCH Court Reporter for the OF HARRIS COUNTY Criminal Court , do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER) STATE'S EXHIBITS NATE AND LIFEMORE L DAY LIFEMORE L SECURAL AND/OR MODEL NOW L SECURAL AND/OR MODEL NOW L SECURAL AND/OR L SECURAL AND/OR MODEL NOW L SECURAL AND/OR
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IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO OF HARRIS COUNTY, TEXAS DAM VID BLOCH Court Reporter for the 2D # District Court/County Criminal Court , do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER) STATE'S EXHIBITS NOTA KOLD WITEMORE V DAY LINDS MODEL DAY LINDS MODEL DEFENDANT'S EXHIBITS DEFENDANT'S EXHIBITS
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IN THE	DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO OF HARRIS COUNTY, TEXAS DAM VID BLOCH Court Reporter for the 2D # District Court/County Criminal Court , do hereby tender for filing to Ray Hardy, District Clerk, Harris County, the following exhibits in the above styled and numbered cause BITS, INCLUDING SERIAL AND/OR MODEL NUMBER) STATE'S EXHIBITS NOTA KOLD WITEMORE V DAY LINDS MODEL DAY LINDS MODEL DEFENDANT'S EXHIBITS DEFENDANT'S EXHIBITS
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	Case 4.11-cv-00315 Document 9-4 Filed in 175D on 07/05/1	Page 17 01 81	
CAUSE NO	599218 DEFENDANT'S NAME EUGENO Broxfo	W.J.	
	DE + DISTRICT COURT / COUNTY CRIMINAL COURT AT LAW NO OF HARRIS	S COUNTY: TEYAS	
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CAUSE NO.	599219 DEFENDANT'S NAME SUAL BIOX FOR	S COUNTY, TEXAS	
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	19 RAY HARDY, District CI	lerk, Harris County, Texas	
TIME:	19 RAY HARDY, District CI	lerk, Harris County, Texas	Deputy

Case 4:11-cy=00315 Document 9-4 Filed	l in TXSD on 07/0	05/11 Page 18 o	f 81
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N THE DISTRICT COURT / COUNTY CRIMINAL COURT ATT	AW NO OF HA	RRIS COUNTY, TEXAS	
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CAUSE NO. 599218 DEFENDANT'S NAME FUG	ene BRC	Xtow	· · · · · · · · · · · · · · · · · · ·
IN THE DISTRICT COURT / COUNTY CRIMINAL COURT ATL	AW NOOF HAP	RRIS COUNTY, TEXAS	
at Law No, do hereby tender for filing to Ray Hardy, District Clerk, Ha			led and numbered cause:
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Certified Document Number: 33779660 - Page 1 of 1

SEIZURE AND FOREITURE COURT

301 SAN JACINTO, ROOM 829 HOUSTON, TEXAS 77002 TELEPHONE (713) 755-6730



JUNE 30, 1992

TO : DISTRICT ATTORNEY

49999997

201

FANNIN #200

HOUSTON

, TX 77002

DOCKET CONTROL ORDER

1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.

2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be disignated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.

3. 8/14/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date

4. N/A AMENDMENTS to pleadings shall be filed by this date.

5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.

6. 9/14/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are 9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.

7. 3/14/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 20+4DAY OF

July

1992

SEIZURE & FORFEITURE COURT

CASE - 9226448 FILED - 061292

TYPE - SEIZURE & FORFEITURE

STATE OF TEXAS

COURT - 777

VS \$1,000,000.00



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 1, 2011

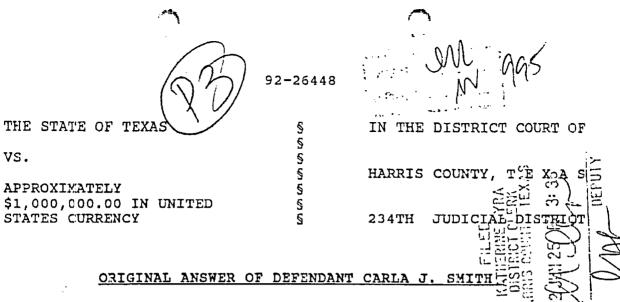
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Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney of record, Chris Flood, and in answer to the Original Notice of Seizure and Intended Forfeiture against the same says more particularly as follows:

- Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.
- Defendant further says that the Respondent \$1,000,000.00 2. in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992 and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Claimant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

Certified Document Number: 33779698 - Page 2 of 3

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,
DeGUERIN & DICKSON

Chris Floed

1018 Preston, 7th Floor Houston, Texas 77002

(713) 223-5959

State Bar No. 07155700 Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Original Answer of Defendant Carla J. Smith has been forwarded to Mr. Brian Johnson, Assistant District Attorney, by mailing a copy to 201 Fannin Street, Suite 200, Houston, Texas 77002 on this 25 day of June, 1992.

Chris Flood

Certified Document Number: 33779698 - Page 3 of 3

AFFIDAVIT

THE STATE OF TEXAS COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood, who, after being by me first duly sworn, on her oath deposed and said:

"My name is Chris Flood. I am the attorney for the Defendant, CARLA J. SMITH and have been authorized to file the Original Answer to which this Affidavit is attached. All statements contained in said Original Answer are true and correct."

SUBSCRIBED AND SWORN TO BEFORE ME on this the ASTM day of June, 1992.

> , Notary Public PAULA Pizzita

In and for The State of Texas

My commission expires ____



I, Chris Daniel. District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 1, 2011

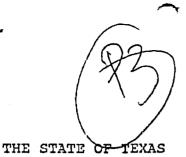
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Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



NO. 92-26448

X

X X

X OF HARRIS COUNTY, TEXAS

APPROXIMATELY \$1,000,000.00 IN UNITED STATES CURRENCY

v.

X 234TH JUDICIAL DISTRICT

IN THE DISTRICT COURT

ORDER SUSTAINING PLAINTIFF'S SPECIAL EXCEPTIONS

On July 22, 1992 came on to be heard Plaintiff's Special Exceptions to Respondent's First Amended Original Answer and the same are hereby sustained as follows: Plaintiff's First Special Exception is Sustained and Plaintiff's Second Special Exception is Denied.

The Court hereby finds that it is apparent from the Respondent's First Amended Original Answer that she has negated her interest as owner or interest holder in the subject matter property and therefore her standing as a party to this suit. THEREFORE, it is hereby ORDERED that the special exceptions to Respondent's First Amended Original Answer in the instant cause, filed by Plaintiff are sustained as reflected above. The Respondent is ORDERED to amend her petition and include therein any relevant, material facts which would establish such ownership or interest and thereby her standing to proceed as a party. Said amended Answer must be filed within by August 24, 1992, to avoid striking of Respondent's Answer.

The Court further ARABASA this cause ARAM for trial on the merits on November 16, 1992.

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recordation; and/or alterations were
present at the time of filming

The Clerk is Order to counsel for Respondent and for Plaintiff.

SIGNED this the 24th day of

1992.

JUDGE PRESIDING

234TH DISTRICT COURT

RECORDER'S MEMORANDUM: This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming

FILED

KATHERINE TYRA

DISTRICT CLERK

DISTRICT CLERK

HARRIS COUNTY, TEXAS

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BY TEFUTY



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 1. 2011

Certified Document Number:

33779688 Total Pages: 3

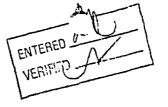
Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



92-26448



THE STATE OF TEXAS	· §	IN THE DISTRICT COURT OF
VS. APPROXIMATELY	§ §	HARRIS COUNTY, T E XA
\$1,000,000.00 IN UNITED STATES CURRENCY	s s	234TH JUDICIAL DISTRICE

SECOND AMENDED ORIGINAL ANSWER OF CLAIMANT CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, equitable owner herein of the Respondent property, by and through her attorney, Chris Flood, and in answer to the Original Notice of Seizure and Intended Forfeiture against the approximately \$1,000,000.00 in United States Currency referenced above says more particularly as follows:

- 1. CARLA J. SMITH, owner of the Respondent property as defined by Art. 59.01(5) Tex.C.Crim.Proc., and a necessary party to this proceeding by virtue of her having a possessory interest in the place where the Respondent property was seized, pursuant to Art. 59.04(j) Tex.C.Crim.Proc., denies the allegations contained in paragraphs IV and VI of Plaintiff's Original Notice of Seizure and Intended Forfeiture, and demand strict proof thereof.
- 2. Owner further says that the Respondent \$1,000,000.00 in United States currency is not subject to forfeiture because it was illegally seized on June 12, 1992 and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. currency.

Certified Document Number: 33779687 - Page 1 of 3

WHEREFORE, PREMISES CONSIDERED, CARLA J. SMITH prays that the Court will in all things deny the State's Original Notice of Seizure and Intended Forfeiture as prayed for, and that she will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. currency and that she shall have all of the relief at law and in equity to which she may show herself justly entitled.

Respectfully submitted,
DeGUERIN & DICKSON

Chris Flood

1018 Preston, 7th Floor

Houston, Texas 7700

(713) 223-5959

State Bar No. 07155700 Attorney for Claimant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing Second Amended Original Answer of Claimant Carla J. Smith has been forwarded to Mr. Brian Johnson, Assistant District Attorney, by hand delivering a copy to 201 Fannin Street, Suite 200, Houston, Texas 77002 on this 11th day of September, 1992.

Chris Flood

.

Certified Document Number: 33779687 - Page 3 of 3

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood, who, after being by me first duly sworn, on her oath deposed and said:

"My name is Chris Flood. I am the attorney for the Claimant, CARLA J. SMITH and have been authorized by her to file this Seconded Amended Original Answer to which this Affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."

Chris Flood

SUBSCRIBED AND SWORN TO BEFORE ME on this the 11th day of September, 1992.

In and for The State of Texas

My commission expires



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 1, 2011

Certified Document Number:

33779687 Total Pages: 3

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Certified Documen Number: 33779659 - Page 1 of 1

SEIZURE AND FORFEITURE COURT

301 SAN JACINTO, ROOM 829 HOUSTON, TEXAS 77002 TELEPHONE (713) 755-6730



SEPTEMBER 8, 1992

TO : DISTRICT ATTORNEY

4999997

201 FANNIN #200

HOUSTON , TX 77002

DOCKET CONTROL ORDER

- 1. N/A NEW PARTIES shall be joined and served by this date. The party causing such joinder will provide copies of this order to the new parties.
- 2. N/A EXPERTS for all plaintiffs shall be designated by this date. Experts for all other parties shall be disignated 30 days after this date. No additional experts will be permitted to testify except for good cause shown.
- 3. 10/16/92 DISCOVERY shall be completed by this date. Counsel may by agreement continue discovery beyond this deadline; such continued discovery, however will not delay the trial date
- 4. N/A AMENDMENTS to pleadings shall be filed by this date.
- 5. N/A JOINT PRE-TRIAL ORDER shall be filed by this date in the form enclosed with the notice of this order.
- 6. 11/15/92 PRE-TRIAL CONFERENCE will be held. Trial counsel are 9:00 am ordered to attend and be prepared to discuss all aspects of the suit and trial.
- 7. 11/16/92 TRIAL IS SET FOR THIS DATE. If the case is not assigned to trial by the second Friday after this date, the trial date will be reset.

NOTE: If no date is shown, time limits are governed by the applicable Texas Rules of Civil Procedure.

SIGNED THIS THE 14 th DAY OF September 1992.

SEIZURE & FORFEITURE COURT

CASE - 9226448 FILED - 061292

TYPE - SEIZURE & FORFEITURE

STATE OF TEXAS

COURT - 777

VS \$1,000,000.00



Certified Document Number:

33779659 Total Pages: 1

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

Certified Documen Number: 33779658 - Page 1 of 1

SEIZURE AND FORFEITURE COURT

301 SAN JACINTO, ROOM 829 HOUSTON, TEXAS 77002 TELEPHONE (713) 755-6730

SEPTEMBER 8, 1992

07155700

TO: FLOOD, CHRISTOPHER M.

1018 PRESTON 7TH FL HOUSTON , TX 77002

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Certified Document Number:

33779658 Total Pages: 1

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS



Page 41 of 81

NO. 92-26448

THE STATE OF TEXAS	S IN THE DISTRICT COURT
v.	S OF HARRIS COUNTY, TEXAS
APPROXIMATELY \$1,000,000.00 IN UNITED	§ 234TH JUDICIAL DISTRICT
STATES CURRENCY	

ORDER

On this the 13 day of October, 1992, came on to be heard Plaintiff's Motion to correct the caption of the above action. It appears to the court that Motion is well taken and should be granted.

IT IS THEREFORE ORDERED, that the caption in the above action is changed to read \$888,598.00 in United States Currency.

SHENED this 13th day of October

1992

HONODARIE TITORE DESTRING

APPROVED AS TO FORM:

BY:

Brian K. Johnson

Assistant District Attorney

Special Crimes Bureau

201 Fannin, Suite 200

Houston, Texas 77002-1901

(713) 755-5840

TBC # 10685600

RECORDER'S MELIORANDUM This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming Case 4:11-cv-00315 Document 9-4 Filed in TXSD on 07/05/11 Page 42 of 81



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and Document Number: 33779664 - Page 2 of 2



Certified Document Number:

33779664 Total Pages: 2

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

92-26448

STATEMENT OF PERSON IN CUSTODY

	(D)	
• •	(\mathcal{F}°)	

Date_	June 12, 1992	·
Time	10:42 p.m.	

Statement of Carla Jeannett Smith

taken in Harris County, Texas.

Prior to making this statement I have been warned by Detective M.R. Daniel the person to whom this statement is made, that:

1) I have the right to remain silent and not make any statement at all and any statement I make may and probably will be used against me at my trial;

Any statement I make may be used as evidence against me in court;

- I have the right to have a lawyer present to advise me prior to and during any questioning:
- If I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning; and

I have the right to terminate the interview at any time.

Prior to and during the making of this statement I knowingly, intelligently, and voluntarily waive the rights set out above and make the following voluntary statement:

I have been informed that under the Penal Code of the State of Texas, Section 37.02: A person commits the offense of "Perjury" if, with intent to deceive and with knowledge of the statement's meanings; .e makes a false statement under oath or swears to the truth of a false statement previously made; and the statement is required or authorized by law to be made under oath.

My full name is Carla Jeannett Smith. I am a black female, 25 years of age, having been born on 2-8-67. I currently reside at 9603 Homestead. I live there alone. My TDL# is 12741322. My SS# is 452-52-7018. My home phone number is 635-7529. I am currently employed at the Swiss Village Apartments, 9603 Homestead, phone 633-8547.

On 5/19/92 I rented an apartment at the Oaks of Woodforest Apartment Complex, apartment 195. I have been in the process of moving but my car had broken down. Since I did not have a ride I have been staying at the Swiss Village Apts. where I work.

The last time I was at the apartment was the first weekend in June 1992.

ಲ್ಲಿ EOfficer Daniel asked me to come to the Wallisville Substation and give this statement in reference to a large sum of money that was found in my apartment Swhich I was moving into.

When I left my apartment the first week end in June 1992 there was no safe

Statement of Carla Jeannett Smith

page 2 of 2

I came to the Wallisville Substation strictly to give my statement in regards to the money which I have no knowledge of.

I can read and write the English Language and I have read this statement which I have made consisting of two pages and I find it to be true and correct to the best of my knowledge. I gave this statement of my own free will.

Carla Jeannett Smith

Subscribed and sworn to before me the undersigned authority on this the 12th day of June A. D. 1992.

Sherri Lyn Hicks, Notary Public in and for Harris County, Texas. My Commission expires 03-08-96.

Certified Document Number: 33779673 - Page 2 of 2 -



Certified Document Number:

33779673 Total Pages: 2

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

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(1-15)

HAPRIS COUNTY SHERIFF'S DEPARTMENT SUPPLEMENT REPORT

LASE HUMBER 92-06/20646

		-			•			ASE NUMBER	76-0012001
COMPLAINANT (LAST, FIR 5TATE OF TEXA-	-	DDLE)	2			e offe			DATE 0/12/92
REPORTEE/WITNESS (LAST	, FIRS	T, MIDDLE)	RACE	SEX	AGE	DOB	DL	
HOME ADDRESS, NUMBER, S	TREET,	P. O. BO	X, CIT	ry, s	TATE,	ZIP		HOME TELL	ZPHONZ
BUSINESS ADDRESS, NUMBE	R, STR	EET, P. O	. BOX,	CIT	Y, STA	TE, ZI	P	WORK TELI	PHONE
WITNESS (LAST, FIRST,	MIDDLE)		RACE	SEX	AGE	D03	DL	and the state of t
HOME ADDRESS, NUMBER, S	TREET,	P. O. BO	x, C11	TY, S7	TATE,	ZIP		HOME TELE	PHONE
WORK ADDRESS, NUMBER, S	TREET,	P. O. BOX	X, CIT	Y, S	TATE,	ZIP		WORK TELE	PHONE
WITNESS (LAST, FIRST, 1	MIDDLE)		RACE	SEX	AGE	DOB	DL#	
HOME ADDRESS, NUMBER, ST	TREET,	P. O. BOX	CIT	Y, 57	ATE,	ŽIP	<u>'</u>	HOME TELE	PHONE
WORK ADDRESS, NUMBER, ST	TREET,	P. O. BOX	C. CIT	Y, SI	ATE,	ZIP		WORK TELE	PHONE
INTRODUCTION/YOUR LOCATE		FROM WHOM		ME RO	,	TIME AL	RRIVED	FIRST OF WORLE)	FICER ON SCENE
SCENE SUMMARY: THE SCENE WILL BE APTH95, AT THE OAKS OF WOOD, FORUST									
APT. COMPLEX, LOCATED AT 250 (VALDE, ON THE WEST SIDE OF									
THE KONWAL AP	1 1 CO	ITS OF	1/1/2	1200	IR57	HOOM	DUTS	ATHUS ST	TOLY - Fileds
								INTERI e	
NORTH ITSTETLITY EXCELLENT, DUE TO ARTIFICIAL INTERIOR LIGHTING, DURING DAYTIME HOVES.									
TAME COLORAND MAND LOTTER		=-7	, <u>,</u>				- x	1	//
INVESTIGATIVE NARRATIVE:	ON TARRA	TRI, 6/1	10		2111	AU I		1074 G. 1	VORLEY,
WAS ANTERN BY THE DEST OF A SHOTTLE THE WALL OF NORMANNY WHEN L									
WAS ADVISED BY THE DISP. OF A SHOOTING, TWO WOUNDED OR DEAD, AND A LARGE AMOUNT OF DRIVE MONEY, AT ZEO UVALUE #95. THE									
OAKS OF WOONFOR	95T /	NPTS. 1)	POW	44	ARRI	VAC,	1783	5 AU. I	LOUND
THE FOLLOWING.									
HOSPITAL AMBUL	JKZT:	0. OF ATT	4554		16/1/		MZTH INJUR	U#455)	
MBUL	MUCE/N	U. UF ATT	EUNVV.)	1.5	, DOC	TOR	TUJUR	(IEO ,	M. E.
EVIDENCE/PROPERTY RCVD VESS NO	PROPE	HOOR YTR	TAG	9	CRIME (YES)		PHOTOS YES NO	OT	IER

HAR' COUNTY SHERIFF'S DEPARTMENT SUPPLEMENT REPORT

CLSZ MOREN 92-06/20646.

CASE MINDER 92-06/2069
APPROACHED THE APT., WE OBSERVED THREE BULLET HOLES ABOUT
HEAD LEVEL IN A BEDROOM WINDOW, ADJACENT TO THE PRONT
DOOR. I ALSO OBSERVED A BULLET HOLD TN THE FRONT DEAR, APPROX.
AT EYE / EVEL.
REALIEDAKS THE DISTINCT POSCIDILITY THAT THERE WERE HOUNDED
OR DEAD IN THE APT. I KNOCKED ON THE FRONT DOOR, AND
PUSHED. THE YOOR, WHICH WAS NOT LOCKED, OPENED. I YELLED.
SHERIFF", AND ENTERED, ALONG WITH NEWTIES WHITSEY AND
SMITH AS OUR EYES ADJUSTED TO THE LIGHT DIFFERENCE,
WE HEARD A VOICE SAY "I'M IN HERE, DON'T SHOOT". THE
1/OICE CAME FROM A B/M, WHO IDENTIFIED HIMSELF AS LOYLE
MINDENHALL; WHO WAS GETTING OUT OF A BED IN THE MASTER
BEDROOM. I TERECTED HIM TO A COUCH IN THE CIVILLEROOM.
A SECULE PLACE. ALSO IN THE BED, ON THE PAR SIDE, WAS A'W/F,
THENITYTED BY HER TOLAS STACEY LYSACK, 2/26/73. AFTER
SECURING HER, AND CLEARING THE APT., FOR OUR SAFETY, DEPUTIES
WHITSEY AND SUITH BEGAN TAUNING WITH OCCUPANTS, AS THIS
WAS TAKING PLACE, I NOTICED TWO PISTOLS ON THE MASTER
BEDROOM FLOOR WITHIN ARMS REACH OF WHERE THE DIM NAD
BEEN LARNG ON THE BED.
GENTLY RECOVERING THE RISTOLS, I FOUND THAT ONE PETOL WAS
A SIX INCH BLUE STEEL, S/W, - 49 MAGNUM, MODEL 29, SHN893047.
THE SECOND PISTOL, A THO THEN BLUE STEEL, S/W, . 78 S/ECZAL,
MODEL 36, SH 85057 WAS LONIED WITH SIX LIVE HOUNDS, THE .44 MAG.
HAD FOUL SPENT ROUNDS, AND TWO LIVE. CHECKING THE SERIAL
NOS. WITH OUR DISP. I WAS ADVISED THAT THE . 38 WAS NOT
REPORTED STOLEN. HOWEVER, THE .44 MAG, WAS REPORTED STOLEN
UNDER HOSD CASE NUMBER 91-05/70385, AND WAS A MURGER
WEAPON, THAT HAN NEVER BEEN LECOVED. I THEN SECURED BOTH
GUNS IN MY PATROL CAR.
AS THE WAS TAKENS PLACE, SOT. J. RANKEN, U#455, ARREVED,
ANY OBTAINED A VOLUNTARY CONSENT TO SEARCH FROM MR.
WEARING SKI MASKS, HAD PUSHED THEIL WAY IN BEHIND HIS
GIRLFRIEND, STACEY LY SACK, AND POINTED UNUNOWN TYPES OF
GUNS AT THEM, ACCORDING TO MR. MINDINHAU THE TWO UNINOWN
REPORTING DEPUTY UNIT BADGE SS DATE OF REPORT
G. WORLEY 4551 1102 49076 6/12/92

HAI COUNTY SHERIFF'S DEPARTMENT SUPPLEMENT REPORT

CASZ MORE 92-06/20646

CASE NORMER 74-06/20	<u> 764 </u>
B/M'S DEMANDED MONEY, MR. MINDINHALL STATED THAT HE WAS	
ABLE TO GET TO THE MASTER BR, AND RETREIVE THE . 44 MAGNUM,	
AND FILE FOUR SHOTS, FROM THE BEDROOM, AT THE TWO SUSPECTS.	
HE THEN ADVISED THAT BOTH SUSPECTS THEN FLED.	
AS MR. MINDENHALL WAS RELATING THE STORY TO ME A	
QUICK SCARCY OF THE APT. WAS TAKING PLACE. THE SEARCH	
REVEALED A CASHBOX IN A HALLWAY CLOSET, THAT WHEN .	
OPENED CONTAINED A HEAVY WHITE HOWKEN'S RESIDUE, SGT.	
RANKIN, USING A "C-MAK" TEST KIT, OBTAINED A POSITIVE	
KESULT FOR COCATIVE, WE ALSO FOUND A LOCKED CLOSET DOOK,	
ADJACENT TO THE BATHROOM. THE DOOR HAD NO KNOB, ONLY A KEY	
LOCK.	
FORCING THE DOOR OF EN, WE FOUND A SAFE, MADE BY STAR,	
MODEL # UNK, SETIS-SIOT, STANDING AGAINST'A WALL, THE SAFE,	
APPROX. FOUR FT. TALL, AND APPROX THIRTY INCHOS, WILDE, WAS	
THE ONLY ITEM IN THE CLOSET, NO CLOTHING OR MERSONAL ITEMS.	
REALIZING THAT THE INVESTIGATION WAS TAKING DIFFERENT	
TURN, WE STOPPED OUR SEARCH, AND AWAITED THE ARRIVAL OF	
THE NARCOTICS DOGS. AT THIS POINT, DEPUTY SMITH TRANSPORTED	
BOTH SUBJUCTS TO STAID, FOR FURTHER INVESTIGATION.	
WHILE AWAITING THE ARRIVAL OF THE DOG UNITY I CHOCKED	
THE PARKING AREA, NORTH OF THE ART. FOR ANY MYSICAL	
EVIDENCE. THERE, I FOUND A LARGE CALIFER SLUC, DEFORMED,	
APPROX. ONE HUNDRED FEET FROM THE APT. DUE TO THE LAKE	{
NUMBER OF BYSTANDERS, BY THES TIME, I RECOVERED THE SPONT	
SLUE. AS I WAS LOOKING FOR MORE I WAS APPROPRISED BY	\dashv
A WIF WHO IDENTIFIED HERSOLE AS MAULA MITTS G/24/64, 250	_
1) VALIE#94 14455-2942, AND A BIF, WHO IDENTIFIED HOVELFAS	-
KAMONA CONNER, 11/7/64, 250 OVALLE #90, NO MYONE. THEY BOTH	
STATED THAT THE BIM FROM APTHOS, OID INDEED LIVE THERE,	
AND WAS KNOWN, TO THEM AS "QUEO". THEY ALSO ADVISED ME	-
THAT A SECOND BYM, KNOWN TO THEM AS "DEREK", ALSO (IVE)	{
THERE. THE BIM, "QUIR" KETRELVED HESCLOTHES FROM THE SECOND BEDROOM. AT APPROX. 1015 AM, OFFICER G. DOYLE, HPI), ARRIVED ON THE	\dashv
SCENE WITH HIS DOG. OBSERVING THE DOG WORK, THE DOG	-
REACTED VIOLENTLY (16 SITIVE) TO BOTH THE CASHBOXIN THE	\dashv
HALLWAY, AND THE LOCKED SAFE IN THE CLOSET. A SHORT	
REPORTING DEPUTY UNIT BADGE SS DATE OF REPORT	\dashv
G. WORLDY 4551 1102 49076 6/12/92	

Certified Document Number: 33779666 - Page 4 of 7

HAR COUNTY SHERIFF'S DEPARTMENT SUPPLEMENT REPORT

CASE HUMBER 92-06/20646

CASE HUMBER 92-06/2064
TIME LATER, OFFICER N. CHALINE, ALSO WITH HPD, ARRIVER WITH
HIS DOG, HIS NOW ALSO ALGRED (POSITIVE) TO BOTH THE CASHBOX
AND THE SAFE.
DEPUTY SMITH, AT STA. 3 WITH BOTH SUBTECTS, OBTAINED A
VOLUNTARY CONSENT TO SEARCH FOR THE SAFE IN THE CLOSET,
FROM MR. MINDINHALL, WE THEN WERLY ABLE TO REMOVE THE
SAFE, WHICH WAS EXTREMELY NEAVY, FROM THE CLOSET TO THE
TO THE PATTO AREA, IN ORDER TO OPEN IT. AS WE WORKED
TO OPEN THE SAFE, WE TOOK A SHORT BREAK TO REST. WHILE
WE STOPPED MOMENTARILY, I OBSERVED A LATE MODEL, MAROON
4-DR. NISSAN, PARKED IN FRONT OF THE ART., OCCUPIED BY ONE
BIM! BOTH PITTS AND CONNER BEGAN YELLING "THAT'S NIN, THAT'S
MEREK".
OFFICER CHALING AND I THEN APPROACHED THE BIM, AND
ASKED FOR MIS T.O.L. HE MITSON ME THAT HE UTO NOT HAVE
A D.L. WITH HIM, AT THES / SECURD OFFICER CHALINE AND I SECURD
HIM, MENDEUX FURTHER INVESTIGATION, AT APPROX. 11/0 AM.
SGT. RANKIN, OFFICERS DOYLE, CHALING, AND I, SUCCEEDED IN
OPENING THE SAFE, AND FOUND A LARGE AMOUNT OF AMERICAN
CURRANCY. SGT. RANKEN THEN NOTIFIED LT. GRIFFIN, HARRIS CO. NARCOTICS
AND ADVISED HIM OF THE SITUATION: A SHORT TIME LATER, DET.
J. PRUITT, AND R. DAVIELS, ARRIVED ON THE SCENE, DET, PRUITT AND
I TRANSPORTED THE CASH TO THE OCU OFFICE, WHERE IT WAS
THEN TAKEN BY DET. MULTIT AND D.A. INVESTIGATOR JOE VALA,
TO AMERICAN BANK TO BE COUNTED. DEPUTY WHITSEY TRANSPERTED
THE SECOND 3/M, DEREKTHOMAS, TO STA. 3 WHERE THEY WERE
LATER INTERVIEWED BY NARCOTICS DOTS. THE TWO AESTOLS WHILE
RELEASED TO HOMECINE DET. TAWNRY, 1/# 3104, AT APPROX, 3 KM.
FRI. 6/12/92. I.D. UNITH TICK PROCESSED THE SCENE. SEE I.D.
SUPPLEMENT, BY DEPUTY 11. SHIBUS. THE LOCKING CASH BOX WAS
RELEASED TO LT. N. GREFTEN, AND WILL BE SUBMITTED TO M.B. 'S OFFECE
FOR FULTHER ANALYSIS. A GREEN ZIP-UP BAG, WHICH NAD CONTAINED
CULRENCY, INSITE THE SAFE, WAS SUBMITTED TO THE PROPERTY ROOM
FOR STORAGE, SUPTECTS ROLLASED TO OCU. DETECTIVES. THE MICRO-
CASETTE THE FROM THE MISWERING MACHINE WAS ALSO PLACED IN THE
PROPERTY LOOM FOR SAFEKEEPING. REPORTING DEPUTY UNIT BADGE ISS IDATE OF REPORT
REPORTING DEPUTY G. WOLLEY 4551 1107 49076 DATE OF REPORT 6/12/97
7731 1100 11010

Certified Document Number: 33779666 - Page 5 of 7

WRECKEF

в 09110

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	WRECKER IP	в 09109
CASE #71-06/20	646 DATE 6/2/93	TIME bein pen
COLOR(S) BIKC	YEAR 9/ MAKEUKS	BODY STYLE DER
LICENSE 12/92 TX	DCK-59R VINTNI	4534 PMW DO279
REASON FOR REMOVIN	IG CAR: PASSUCA	is Veli
NAME OF DRIVER:		
LOCATION FROM WHIC	H VEHICLE TAKEN: 250	UNALOP
WRECKER SERVICE:	2000 Herry 82	HIP # 257
STORAGE ADDRESS:	2000 Hers 85	<u> </u>
PHONE:	7-8346	
INVENTORY OF VEHICL		MISSING PARTS
	Rouse	-
i-BIK/white	bress	
1- COIN PUL	25°C	
		·
INDICATE DAMAGE TO \	VEHICLE: LEFT FRONT	DAWAGE, LEFT
FLAT FIRE	VEHICLE: LEFT FRONT LEFT BACK DENT	
HOLD: SEIZURE D OT	HER:	
	UMDR.	CATEREASOM
DEPLOY MIN	ER DRIVER BADGE # 11	83 UNIT #554

Pat Smith D. A. 'a Of C.



Certified Document Number:

33779666 Total Pages: 7

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

NO. 92-26448

THE STATE OF TEXAS

VS.

\$888,598.00 IN UNITE STATES CURRENCY

- IN THE DISTRICT COURT S
- S OF HARRIS COUNTY, TEXAS
- 234TH JUDICIAL DISTRICT S

FINAL JUDGMENT OF FORFEITURE

BE IT REMEMBERED that on this the 17th day of Work 1992. came on to be considered the above styled and numbered cause filed heretofore on June 12, 1992. The State of Texas appeared by and through her Assistant District Attorney Brian K. Respondents, Kobie Mendenhall and Derek Thomas were served and, after due notice to the Respondents herein, it now appears that no answer or appearance has been filed by Kobie Mendenhall and Derek Thomas claiming an interest in the property which is the subject of this forfeiture. Respondent, Carla J. Smith appeared by and through her attorney of record Chris Flood. An agreement has been reached between Plaintiff and Respondent Smith whereby \$8,000.00 is not subject to forfeiture. The Court has jurisdiction of the subject matter and parties, and Final Judgment should be granted for the State of Texas and against the remaining \$880,598.00 in United States Currency and Kobie Mendenhall and Derek Thomas. It is therefore:

ORDERED, ADJUDGED, and DECREED that the \$8,000.00 in United States currency is not subject to forfeiture and is subject to return to Carla J. Smith.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the rest and remainder, being \$880,598.00 in United States Currency is

forfeited: seventy percent (70%) to the Harris County Sheriff's Department; twenty-seven percent (27%) to the Harris County District Attorney's Office, Special Crimes Bureau, into Harris County Treasurer's Fund number 5922, titled "Seized Property Fund D.A."; and that three percent (3%) to the Harris County Treasury Fund number 5940, titled "Drug Abuse Prevention/Treatment Fund"; all to be administered by both agencies and Harris County in compliance with their local agreement, the Code of Criminal Procedure, Article 59.06(c), and audited in accordance with Article 59.06(g). Costs of court are charged against the party incurring same. All relief not granted is denied.

SIGNED this the Z4th day of 1

. 1992.

TIDGE PRESIDING

Certified Document Number: 33779663 - Page 3 of 5 V 7055 p069

APPROVED AS TO FORM:

BY:

Brian K. Johnson
Assistant District Attorney
201 Fannin, Suite 200
Houston, Texas 77002-1901
(713) 755-5840
Bar Card #10685600
ATTORNEY FOR PLAINTIFF

BY:

Brian Amoon for Chris Flood, by permission Chris Excod

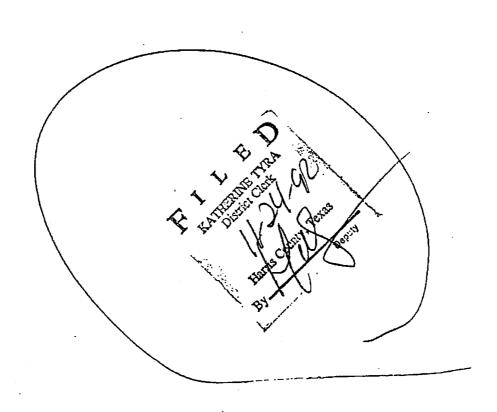
DeGuerin & Dickson 1018 Preston, 7th Floor Houston, Texas 77005 (713) 223-5959

Bar Card # 07155700

ATTORNEY FOR RESPONDENT SMITH

RECORDER'S MEMORANDUM This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming

٠,



CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the above and foregoing motion for a new trial has been furnished to the Assistant District Attorney assigned to this case on this 11th day of November, 1992.

The State of Texas +5-3, 76500 ORDER

Be if Remembered that on this the 24th day of November, 1992 Washington Jr. for air Other Goder a New Trial. The Court examined the Respondent's Aution The parties informed the Court that an agreement had been reached regerding the Motion for New Trial. The Count is of the spinion that that the Motion should be growted. It is recrefore: Ordered. Adjudged and Decreed that the Motor for New Trial is hereby granted.

Signed on this November 24,

This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming

JUDGE Presiding



Certified Document Number:

33779663 Total Pages: 5

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code; or
 - (iii) a felony under Article 350, Revised Statutes;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision; or
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision."
- 2. Defendant filed her general denial on June 25, 1992. A general denial places in issue all allegations which are necessary to sustain Plaintiff's cause of action. See Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex. 1984); Shell Chemical Co. v. Lamb, 493 S.W.2d 742 (Tex. 1973); Boswell v. Handley, 397 S.W.2d 213 (Tex. 1966); Novak v. DeWied, 574 S.W.2d 204 (Tex. Civ. App. San Antonio 1978, writ ref'd., n.r.e.); McFadden v. Breslar Malls, Inc., 526 S.W.2d 258 (Tex. Civ. App. Austin 1975, judgment modified and affirmed pursuant to remittitur, 548 S.W.2d 789 (Tex. Civ. App. Austin 1977, no writ)); State v. Margolia, 439 S.W.2d 695 (Tex. Civ. App. Austin 1969, writ ref'd., n.r.e.); America Nat. Ins. Co. v. Ferguson, 209 S.W.2d 797 (Tex. Civ. App. Eastland 1948, writ ref'd, n.r.e.). Therefore,

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Defendant's general denial placed in issue whether or not the Respondent property constitutes contraband, as defined, and thus forfeitable. This Court must first decide whether the Respondent Property is forfeitable and, if not, return the subject property to any individual, other than the State, showing a superior interest. The State, through its Special Exceptions, is attempting to force Defendant to prove her interest, if any, before proving that the Respondent Property is subject to forfeiture.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court deny Plaintiff's Special Exceptions to Respondent's Original Answer, order that First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

Respectfully submitted,
DeGUERIN & DICKSON

Chris Flood

1018 Preston, 7th Floor

Houston, Texas 77d02

(713) 223-5959

State Bar No. 07155700

Certified Document Number: 33779693 - Page 4 of 5

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.

Chris Frood

NO. 92-26448

STATE OF TEXAS	*	IN THE DISTRICT COURT OF
	*	
V.	*	
•	*	HARRIS COUNTY, T E X A S
APPROXIMATELY	*	·
\$1,000,000.00 IN	*	
UNITED STATES CURRENCY	*	234TH JUDICIAL DISTRICT

ORDER

UPON PRESENTATION OF Response to Plaintiff's Special Exceptions, it is hereby ---

ORDERED that Plaintiff's Special Exceptions to Respondent's Original Answer is hereby DENIED. It is further --

ORDERED that Defendant's First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

SIGNED in Harris County, Texas on the _____ day of ______,
1992.

TIIDCE	PRESIDING
うしいほど	FRESIDING

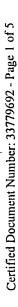


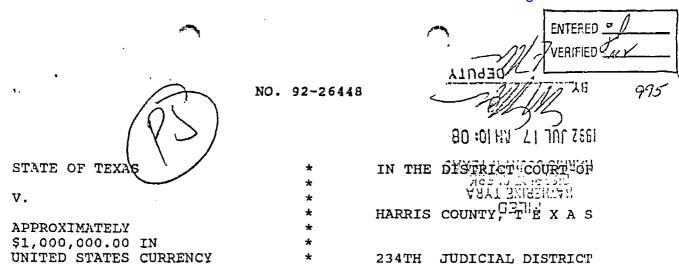
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 ${\it Chris Daniel}, {\it DISTRICT CLERK}$

HARRIS COUNTY, TEXAS





RESPONSE TO PLAINTIFF'S SPECIAL EXCEPTIONS TO RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in response to Plaintiff's Special Exceptions to Respondent's Original Answers, requests that Plaintiff's Special Exceptions be denied, saying more particularly in support hereof as follows:

- 1. Plaintiff, pursuant to Art. 59.02, Tex. Code Crim. Pro., filed Plaintiff's Original Notice of Seizure and Intended Forfeiture, alleging that the Respondent \$1,000,000.00 constitutes contraband as defined under Art. 59.01, Tex. Code Crim. Proc. This Court, by virtue of Art. 5, §8 of the Texas Constitution, and Art. 59.04 has jurisdiction to determine whether the Respondent Property constitutes contraband. Contraband, as defined by Art. 59.01, is:
 - "(2) 'Contraband' means property of any nature, including real, personal, tangible, or intangible, that is:
 - (A) used in the commission of:
 - (i) any first or second degree felony under the Penal Code;
 - (ii) any felony under Chapters 29, 30, 31, or 32, Penal Code; or

- (B) used or intended to be used in the commission of:
 - (i) any felony under Chapter 481, Health and Safety Code (Texas Controlled Substances Act);
 - (ii) any felony under Chapter 483, Health and Safety Code; or
 - (iii) a felony under Article 350, Revised Statutes;
- (C) the proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision; or
- (D) acquired with proceeds gained from the commission of a felony listed in Paragraph (A) or (B) of this subdivision."
- 2. Defendant filed her general denial on June 25, 1992. A general denial places in issue all allegations which are necessary to sustain Plaintiff's cause of action. See Vance v. My Apartment Steak House, 677 S.W.2d 480 (Tex. 1984); Shell Chemical Co. v. Lamb, 493 S.W.2d 742 (Tex. 1973); Boswell v. Handley, 397 S.W.2d 213 (Tex. 1966); Novak v. DeWied, 574 S.W.2d 204 (Tex. Civ. App. San Antonio 1978, writ ref'd., n.r.e.); McFadden v. Breslar Malls, Inc., 526 S.W.2d 258 (Tex. Civ. App. Austin 1975, judgment modified and affirmed pursuant to remittitur, 548 S.W.2d 789 (Tex. Civ. App. Austin 1977, no writ)); State v. Margolis, 439 S.W.2d 695 (Tex. Civ. App. Austin 1969, writ ref'd., n.r.e.); America Nat. Ins. Co. v. Ferguson, 209 S.W.2d 797 (Tex. Civ. App. Eastland 1948, writ ref'd, n.r.e.). Therefore,

Certified Document Number: 33779692 - Page 3 of 5

Defendant's general denial placed in issue whether or not the Respondent property constitutes contraband, as defined, and thus forfeitable. This Court must first decide whether the Respondent Property is forfeitable and, if not, return the subject property to any individual, other than the State, showing a superior interest. The State, through its Special Exceptions, is attempting to force Defendant to prove her interest, if any, before proving that the Respondent Property is subject to forfeiture.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court deny Plaintiff's Special Exceptions to Respondent's Original Answer, order that First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

Respectfully submitted,
DeGUERIN & DICKSON

Chris Flood

1013 Preston, 7th Floor

Houston, Texas 77002

(713) 223-5959

State Bar No. 07155700

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.

Chris Flood

NO. 92-26448

* IN THE DISTRICT COURT OF

*
V.

* HARRIS COUNTY, T E X A S

APPROXIMATELY
\$1,000,000.00 IN
UNITED STATES CURRENCY

* 234TH JUDICIAL DISTRICT

ORDER

UPON PRESENTATION OF Response to Plaintiff's Special Exceptions, it is hereby ---

ORDERED that Plaintiff's Special Exceptions to Respondent's Original Answer is hereby DENIED. It is further --

ORDERED that Defendant's First Amended Original Answer of Carla J. Smith places into issue all allegations made by Plaintiff.

JUDGE	PRESIDING	

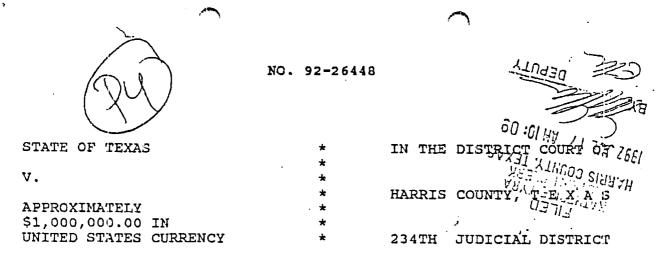


Certified Document Number:

33779692 Total Pages: 5

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS



FIRST AMENDED ORIGINAL ANSWER OF CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in answer to the Original Notice of Seizure and Intended Forfeiture against the same, says more particularly as follows:

- 1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.
- 2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992, and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

wherefore, premises considered, Defendant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

Certified Document Number: 33779697 - Page 2 of 4

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,

DeGUERIN & DICKSON

Chris Flood

Attorney for Claimant 1018 Preston, 7th Floor

Houston, Texas 77002 (713) 223-5959

State Bar No. 07155700

Certified Document Number: 33779697 - Page 3 of 4

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood who, after being duly sworn by me, deposed and said:

"My name is Chris Flood. I am the attorney for Defendant Carla J. Smith and have been duly authorized by her to file this Amended Original Answer and Claim to which this affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."

Chris Flood

SUBSCRIBED AND SWORN to before me, the undersigned authority,

on the 16th day of July, 1992.

Kristi Lenaburg, Notary Fublic In and for The State of Texas My Commission Expires: 2-15-2

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.

Chris Flood

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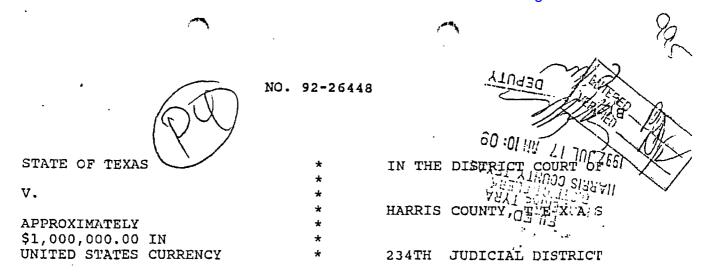


Certified Document Number:

33779697 Total Pages: 4

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS



FIRST AMENDED ORIGINAL ANSWER OF CARLA J. SMITH

TO THE HONORABLE JUDGE OF SAID COURT:

comes Now CARLA J. SMITH, Defendant herein, by and through her attorney, Chris Flood, and, in answer to the Original Notice of Seizure and Intended Forfeiture against the same, says more particularly as follows:

- 1. Defendant denies all and singular, each and every allegation made by Plaintiff and relied upon by it as the basis of its alleged cause of action and demands strict proof thereof.
- 2. Defendant further says that the Respondent \$1,000,000.00 in United States Currency is not subject to forfeiture because it was illegally seized on June 12, 1992, and Plaintiff continues to unlawfully withhold possession of the \$1,000,000.00 in U.S. Currency.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court will in all things deny the State's Motion for Forfeiture as prayed for and that Defendant will have judgment over and against Plaintiff in and to the Respondent \$1,000,000.00 in U.S. Currency;

and that he have all of the relief at law and in equity to which he may show himself justly entitled.

Respectfully submitted,

DeGUERIN & DICKSON

Chris Flood

Attorney for Claimant 1018 Preston, 7th Floor Houston, Texas 77002

(713) 223-5959

State Bar No. 07155700

AFFIDAVIT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Chris Flood who, after being duly sworn by me, deposed and said:

"My name is Chris Flood. I am the attorney for Defendant Carla J. Smith and have been duly authorized by her to file this Amended Original Answer and Claim to which this affidavit is attached. All statements contained therein are true and correct to the best of my knowledge and belief."

Chris Flood

SUBSCRIBED AND SWORN to before me, the undersigned authority, on the 16th day of July, 1992.

Kristi Lenaburg, Notary Public In and for The State of Texas My Commission Expires: 2-15-3

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Certified Document Number: 33779696 - Page 4 of 4

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing has been served on Brian Johnson, Assistant District Attorney, by mailing same to 201 Fannin, Houston, Texas on the 16th day of July, 1992.

Chris Flood

11.



Certified Document Number:

33779696 Total Pages: 4

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS